

Arkansas Hemp Program



2022 Growing Season
(Fiscal Year 2022 – Fiscal Year 2023)

Quality Control & Compliance Section
Plant Industries Division
AR Industrial Hemp Program

Arkansas Department of Agriculture

Growing Arkansas's largest industry by supporting Arkansas farmers and ranchers while ensuring safe food, fiber, and forest products for the citizens of Arkansas, the nation, and across the globe.



FORESTRY DIVISION



**PLANT INDUSTRIES
DIVISION**



**LIVESTOCK AND
POULTRY DIVISION**



**NATURAL RESOURCES
DIVISION**

Mission Statement:

The Arkansas Department of Agriculture is dedicated to the development and implementation of policies and programs for Arkansas agriculture and forestry to keep its Farmers and Ranchers competitive in national and international markets while ensuring safe food, fiber and forest products for the citizens of the state and nation.



Length of this Program Orientation PowerPoint: *Information Overload!*

- This Hemp Program Orientation PowerPoint serves as a guidance resource for Hemp Program applicants and licensees for the 2022 growing season.
- This Orientation PowerPoint will explain important program information, including any Program updates/changes, summary of Program Rules, and all licensing paperwork and deadlines associated with the Program.
- **There is A LOT of information covered in this PowerPoint, and you are HIGHLY encouraged to reference this PowerPoint throughout the season.**



Arkansas Hemp Program: 2022 Orientation PowerPoint Overview

- Program Overview & Updates
- Crop Production
- Criminal History Background Checks
- Growing Locations
- Sourcing Planting Materials
- Reporting Requirements
- Sampling & THC Testing of Hemp
- Restrictions on Sale and Transfer



Program Overview & Updates



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2022 Arkansas Hemp Program

AR Hemp Program's Website

- All information about the Program, including Program Rules, Licensee Forms & Deadlines, Restrictions on Sale or Transfer of Hemp Material, etc. can be located on the Program's website:

<https://www.agriculture.arkansas.gov/hemp-home>

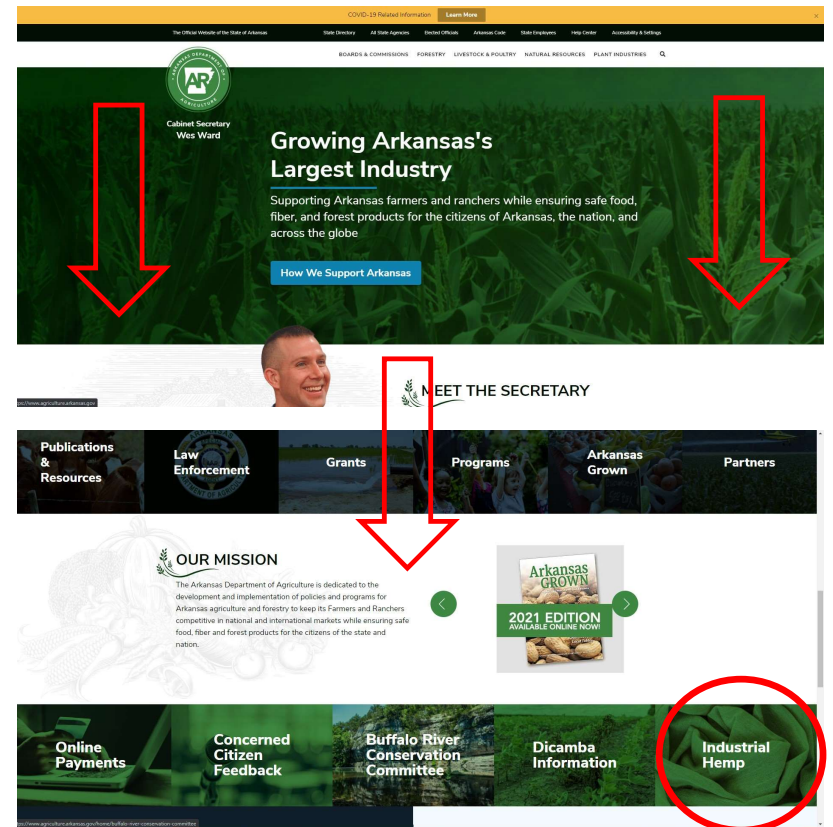


“Hemp Home” webpage:

<https://www.agriculture.arkansas.gov/hemp-home>

You can also find the “Industrial Hemp” button on the Arkansas Department of Agriculture’s main home page:
[agriculture.arkansas.gov](https://www.agriculture.arkansas.gov)

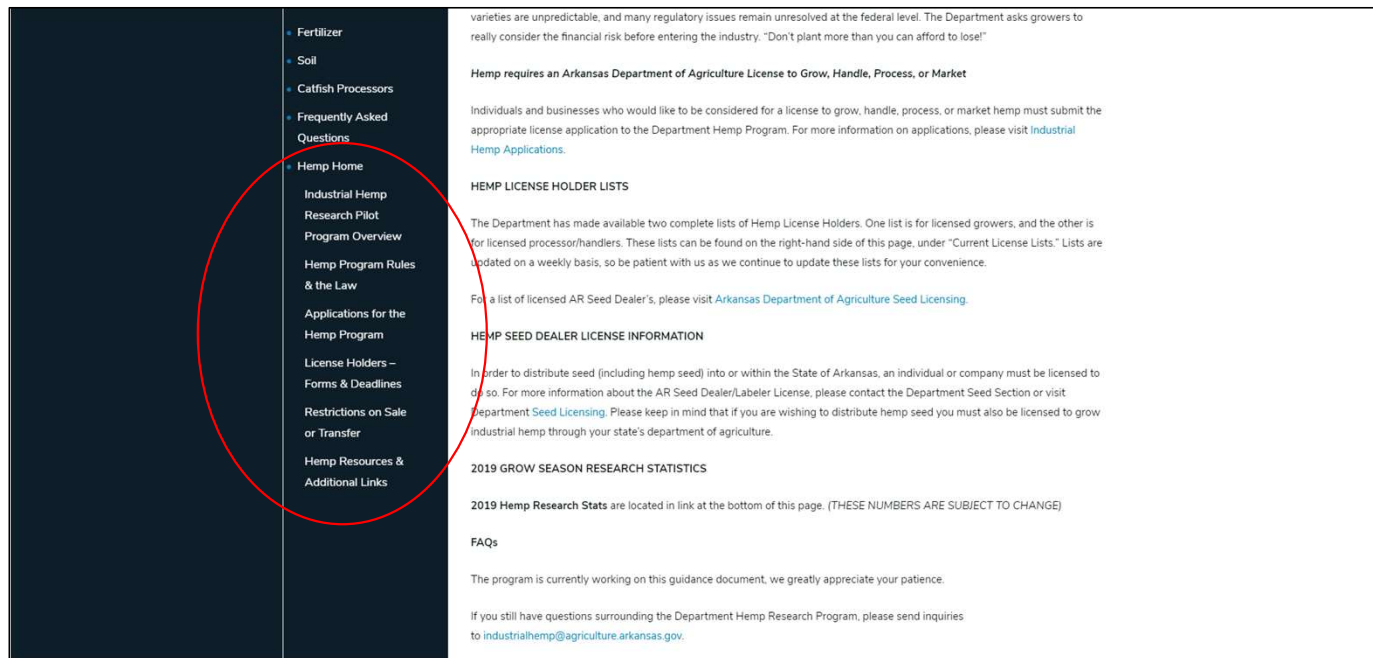
Scroll down until you find the “Industrial Hemp” button on the right-hand side of the screen.



Program Website & Tabs: Hemp Home

Visit <https://www.agriculture.arkansas.gov/hemp-home> and familiarize yourself with all the Program website tabs

- From the “Hemp Home” link above, all Hemp Program “tabs” are located toward the very bottom, left-hand side of the webpage in the dark blue column



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AR Hemp Program Updates for 2022 Season:

- In March 2021 during the 2021 Regular Session, the AR 93rd General Assembly passed HB1640 to become Act 565, known as the “Arkansas Hemp Production Act of 2021” (A.C.A. § 2-15-501 *et seq.*)
- Arkansas’s Hemp Production Plan was approved by the USDA on December 9th, 2021.
- This means that the AR Department of Agriculture is permitted to continue regulating hemp production in Arkansas under the 2018 Farm Bill federal authority.
- **Research Program Rules are still in effect until the Department has had the opportunity to propose new Hemp Rules before the Arkansas State Plant Board.**
- The Department will most likely propose new rules for the Hemp Program sometime in early 2022.



AR Hemp Program Changes for 2022 Season:

Other Program changes include:

- No longer requiring mandatory research plans for license applications
- No longer requiring Letters of Intent from a licensed grower or processor
- Licensee information now reported to the USDA-AMS U.S. Hemp Program
- Licensee MUST report certified crop acreage to local county FSA office. **The Program will NOT sample or test any hemp lots that have not been assigned an FSA lot number.**
- No longer permitting the resampling and retesting of intact or hanging plants via Post-Harvest procedures (See *2022 Sampling, Testing, Remediation & Disposal Guidelines*)
- To request the resampling/retesting of a noncompliant lot via Post-Harvest procedures, **the noncompliant lot must be properly remediated by one of two acceptable plant remediation methods** (See *2022 Sampling, Testing, Remediation & Disposal Guidelines*)
- Department has authority to collect more plant cuttings at the time of the Department's sample collection. Number of plant cuttings is dependent on lot representative size (See *2022 Sampling, Testing, Remediation & Disposal Guidelines*)
- Department may issue Corrective Action Plans (CAP) for negligent violations of associated hemp rules/laws



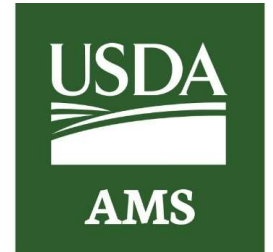
Program Background:

AR Hemp Research Licensing Program & the 2014 Farm Bill

- The 2014 Farm Bill allowed states to implement ‘research pilot programs’ to study the feasibility of introducing hemp as an agricultural crop
- In August 2017, House Bill 1778 became Act 981 to create the Arkansas Industrial Hemp Act of 2017
- In June 2018, the Arkansas State Plant Board approved rules to implement the “Arkansas Industrial Hemp Research Pilot Program”
- In August 2018, the first hemp program rules were officially approved and implemented in Arkansas
- In October 2018, the Department received the first application to grow industrial hemp in Arkansas
- 2019 was the first-year hemp was legally planted and harvested in Arkansas in over eight (8) decades
- On January 1st, 2022, the AR Hemp Research Licensing Program became known as the Arkansas Hemp Program



USDA-AMS: U.S. Domestic Hemp Production Program



- The 2018 Farm Bill directed USDA to establish a national regulatory framework for hemp production in the U.S.
- USDA-AMS Hemp Program published an Interim Final Rule for hemp production on October 31, 2019
- The USDA-AMS Hemp Program built on the Interim Final Rule by incorporating public comments and lessons-learned during the 2020 growing season to create a Final Rule
- The [Final Rule](#) became effective on March 22, 2021
- AR Hemp Program will begin reporting licensee information to USDA-AMS on January 1st, 2022

<https://www.ams.usda.gov/rules-regulations/hemp>



Federal Law: Definition of Hemp in 2018 Farm Bill

“The term ‘**hemp**’ means the plant *Cannabis sativa* L. and any part of that plant, **including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers**, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis.”

Note: Federal hemp rules require all state hemp production plans to have a testing protocol to measure delta-9-THC post-decarboxylation – **That’s Total THC**. Arkansas’s Hemp Program has analyzed compliance samples using Total THC% since the first year of the research program in 2019.



FDA and Cannabis-derived Products: Waiting for FDA Guidance



- The FDA is in the process of developing potential regulatory pathways for products containing cannabis and cannabis-derived compounds.
- We are still awaiting FDA guidance on how cannabis products will be federally regulated.
- The FDA and the Arkansas Department of Health maintain that CBD and any other cannabinoids are **not** permitted to be an additive to food or drink products.
- The FDA has issued several warning letters to CBD companies making health/medical claims on products.



The FDA and Cannabis-derived Products: GRAS Hemp Seed-Derived Food Ingredients

- Hemp material that is OK for human consumption/food products and are “generally recognized as safe (GRAS)” include: **(1) hemp seed oil (GRN778), (2) hemp seed protein powder (GRN771), and (3) nonviable hulled hemp seed (GRN765).**
- It is the Program participant’s responsibility to ensure state and federal food safety laws and rules are being followed, including any licensure, permits, certifications, etc.



<https://www.fda.gov/food/cfsan-constituent-updates/fda-responds-three-gras-notice-hemp-seed-derived-ingredients-use-human-food>



Arkansas Hemp Program:

What does each hemp license permit me to do?

Processor/Handler License

- **NO Live Plants**
- Process Harvested Crop into Publicly Marketable Products
- Extract Hemp for CBD
- Process, Handle, Store, Market
- Brokers, Labs, Seed Cleaners
- Dry, Chop, Grind other person's harvest
- Handle other person's harvest

Grower License

- Live Plants
- Grow in Fields
- Grow in Greenhouses
- Produce Transplants
- Store your hemp
- Dry, Chop, Grind (your own hemp)
- Market your own Crop



Fiscal-Year (FY) Licenses

- Licenses in the Program are on the state's financial Fiscal-Year, **not the normal calendar year**.
- The 2022 Season will cover FY2022 and FY2023 licensing.
 - FY2022 license is from July 1st, 2021 through June 30th, 2022.
 - FY2023 license is from July 1st, 2022 through June 30th, 2023.
- This means that if issued a license with this Program, your license will expire on **June 30th** of each year.
- **If you are newly licensed with the Program, you may be asked to immediately renew your license around May/June, which may include an additional \$200 licensing fee.**
- The Program is working toward getting licensing on the normal calendar year, but this will require a change to Program Rules first.



Questions:

- Does Federal Law require testing for Total THC?
- **Yes** **No**
- Does a Hemp Grower License enable you to extract CBD from hemp material?
- **Yes** **No**
- When does a Grower License expire?
- **December 31st, annually** **June 30th, annually**



Communications with the Department

- E-mail is the primary method of communication utilized by the Hemp Program
- **IF WE SEND IT, READ IT!**
- Make sure to add the following emails to your 'safe' list, as you will be receiving e-mails from these individuals, and we do not want you to miss any important communications from the Department:
 - Caleb.allen@agriculture.arkansas.gov
 - Mike.stage@agriculture.arkansas.gov
- **PLEASE CHECK YOUR EMAIL REGULARLY, PERFERABLY ONCE OR TWICE A WEEK! THIS PROGRAM CAN BE FAST-PACED AND TIME-SENSITIVE, SO CHECKING FOR DEPARTMENT CORRESPONDENCE IS CRITICAL**



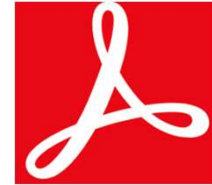
Communications with Hemp Program Staff

- E-mail any general questions to industrialhemp@agriculture.arkansas.gov
- Provide your name, the name of the license holder, and license number in all communications
- Please do not send separate emails or voicemails to multiple staff members and duplicate program workload. CC to others is perfectly okay.



Submission of Program Paperwork Forms

- All program report and request forms posted on the Program's webpage are "fillable PDF" documents, which means if Adobe PDF is installed on your computer or cellphone device, you can type directly into the form.
- Download Adobe Reader for free, [CLICK HERE](#)
- **ALL PROGRAM FORMS MUST BE SUBMITTED VIA EMAIL TO=>**
industrialhemp@agriculture.arkansas.gov
- *Email submissions are faster and more easily processed by Hemp Program staff, especially during time-sensitive Harvest Season. If you submit a form via email, please do not post-mail a physical duplicate to the Department. This creates confusion and duplicates program workload.*



Licensed AR Hemp Seed Dealer License List

- A list of licensed AR Hemp Seed Dealer/Labeler licenses is maintained by the Department Seed Section.
- The Seed Section's program website is:
<https://www.agriculture.arkansas.gov/plant-industries/seed-section/>
- *Any person engaging in agricultural seed distribution into, from, or within Arkansas must abide by AR Seed Laws & Rules, which includes the need for an AR Seed Dealer/Labeler License.*
- For a list of AR Seed Dealer/Labeler licenses, visit the bottom of this page:
<https://www.agriculture.arkansas.gov/plant-industries/seed-section/>

NOTE: *Viable hemp seed for planting is legally considered “industrial hemp,” which means an individual or entity must be licensed with the Department Hemp Program in order to have viable hemp seed in their possession within Arkansas. This includes hemp seed companies that physically handle and/or store viable hemp seed in Arkansas.*



Hemp Crop Consultants in Arkansas

- If you are acting as an Agricultural Crop Consultant within Arkansas—including hemp crop consulting— you need an Arkansas Agricultural Consultant License issued by the Department.

For more information, visit:

<https://www.agriculture.arkansas.gov/plant-industries/feed-and-fertilizer-section/agriculture-consultants/>



Hemp Transplant Providers

- If your hemp growing operations will be regularly sending seedlings/clones/propagules/rooted plants across state lines to other license holders in state hemp programs throughout the season, **an Arkansas Nursery Dealer License is required from the Department.**
- If you will be purchasing seedlings/clones/propagules/rooted plants from another state to bring into Arkansas, **a Phytosanitary Certificate issued by a state's department of agriculture is required prior to bringing the plants into Arkansas.**

For more information about the Department Nursery/Landscaping Licensing Program, visit <https://www.agriculture.arkansas.gov/plant-industries/regulatory-section/nursery-landscaping-licensing-program/>



A Note About Organic Hemp



- “Organic” is strictly regulated by the United States Department of Agriculture (USDA).
- **You cannot market your hemp as “organic” unless you have been Certified Organic.**
- Organic hemp products must be grown by a certified organic farm AND processed by a certified organic processor.
- If interested in applying for organic certification, visit <https://www.ams.usda.gov/about-ams/programs-offices/national-organic-program> to locate a certifying agent approved by USDA.
- Certification can sometimes be a multi-year process.



Licensed Hemp Licensee Lists: **Growers & Processor/Handlers**

- The Department maintains a public list of Licensed Hemp Growers & Hemp Processor/Handlers available on the Program's website.
- This list is intended to help with marketing efforts.
- This list includes Business/Company Names, mailing city, contact person, phone and email.

If any of this information needs to be updated/corrected, please email a request to industrialhemp@agriculture.arkansas.gov



Notes for Growers RE Processors

- The Department will not buy your hemp.
- The Department does not mandate that you use a particular processor/handler.
- You should have contacted a buyer **BEFORE** planting.
 - Read your contracts carefully!
- You can work with more than one licensed processor/handler.
- The Department does not limit which or how many processors you work with, but **you MUST only sell to licensed growers/processors that are licensed through a state's department of agriculture or approved USDA hemp production plan.**
- You can only sell to license holders that can legally possess the materials in their jurisdiction.



Questions

- What is the best way to reach the Hemp Program Staff?
 - By phone
 - By letter
 - **By email to industrialhemp@agriculture.arkansas.gov**
- What is the best way to submit program forms and/or requests?
 - By mailing a physical copy
 - **By typing directly into the fillable form using Adobe PDF & emailing attachment to industrialhemp@agriculture.arkansas.gov**



Crop Production



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2022 Arkansas Hemp Program

Industrial Hemp Production: 3 Main Types

- Floral/Cannabinoid Production
- Grain/Seed Production
- Fiber Production



~95% of all Hemp grown in Arkansas is for Floral/Cannabinoid Production.



2022 Arkansas Hemp Program



Hemp Grower License

- Allows you to legally grow industrial hemp in Arkansas.
- Every provision in the Application is legally binding and serves as your *Licensing Agreement* between yourself and the Department.
- Keep copies of your License Certificate(s) AND Application(s) with you, near the crop, and harvested materials.
- Make as many copies of your license certificate as needed.
- You do NOT have to use 100% of the acreage you were initially approved/licensed for, but an outdoor plot must be a **MINIMUM** of a quarter acre (0.25) AND 1,000 plants.





Grow At Your Own Risk!



- Limited production knowledge combined with an uncertain federal regulatory environment and unstable pricing creates significant risk for the grower.
- **Crop failures happen.**
- **Crop insurance is now available in Arkansas at limited capacity for select Arkansas counties. Contact your local crop insurance agent for details.**
- **Millions of pounds of unsold hemp flower produced in 2019, 2020, and 2021 are still in storage nationwide.**
- **“Don’t plant more than you can afford to lose.”**



Proceed with Caution!

- There are no guarantees in this program!
- Most growers experience financial loss.
- This is a new industry, new companies, new production techniques, etc. There is a learning curve for all parties involved!
- The price model is not well developed, and some companies have had trouble making payments or following through on contracts.
- **“Do not plant more than you can afford to lose!”**



Questions

- Is hemp production a low-risk farm enterprise?
 - Yes or **No**
- I was approved for 1 acre, but I only want to plant 10 individual hemp plants in my approved outdoor field plot. Is this acceptable?
 - Yes or **No**





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Criminal History Background Checks



2022 Arkansas Hemp Program

Arkansas State Police: Criminal History Background Checks

- All license holders (including signing authorities and company key participants) are required to submit criminal history background checks with Arkansas State Police (ASP) on an annual basis.
- Background check should have occurred 60 or less days prior to the date of application or licensure renewal.
- Background check must be free from felony convictions and drug related felonies for the past 10 years.
- Refer to the application instructions packet for more details.

Visit: <https://www.ark.org/criminal/index.php>

AND

https://static.ark.org/asp/pdf/asp_122.pdf

For more information about submitting an ASP Background Check Request



What are company key participants?

- This is a person who has direct or indirect financial interest in the entity producing hemp such as an owner or partner in a partnership.
- This includes signing authorities.
- Including without limitation an entity's Chief Executive Officer (CEO), Chief Operating Officer (COO), Chief Financial Officer (CFO), or any other positions that have these same job responsibilities.
- Farm managers, field managers, shift managers, etc. Are not considered key participants and do not have to file an ASP background check.



Background Check for Individual Applicants

- Individual applicants (license would be in your proper name) are only required to submit a background check on themselves and any signing authority associated with the individual license.
- No need to submit background checks on secondary contacts.



Questions

- As an individual applicant, must you submit a background check for your secondary contacts or farmhands?
 - Yes or **No**
- Are criminal history background checks required every year I participate in the Department Hemp Program?
 - **Yes** or No



Growing Locations



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NOTE This map is for example purposes ONLY. There is no industrial hemp grown at any of these locations.



Growing Locations

- If property does not have an address, you must enter an estimate.
- There is a \$200 Site Modification Fee if you need to add or remove Location IDs *after your application has already been approved*. **Make sure the Location IDs requested within your application are final in order to avoid the \$200 Site Modification Fee.**
- All growing locations are subject to land-use restrictions as detailed in Section 3: Land Use Restrictions of the Hemp Research Program Rules.
- Two license holders can grow at the same address as long as they are licensing different fields.
- Growing, storing, processing, or handling hemp materials at an unregistered or unapproved location is a violation of Hemp Rules.



Growing Locations: Lots & Location IDs

The way you license Field Location IDs is especially important for ‘lot’ information and the Department’s sampling and testing of hemp lots at the time of harvest.

If you will plant an outdoor hemp lot more than 20 feet away from another planted outdoor hemp lot, *the secondary lot must be registered as its own Field Location ID.*

In other words, if there is a “break” in planted outdoor field lots more than 20 feet away from one another, both locations need to be licensed as their own Field Location IDs since they are non-contiguous.

A “lot” is a grouping of hemp, containing the same variety throughout, in a contiguous area in a field, greenhouse, or grow location.

Refer to the *2022 Application Instructions Packet*, page 7, posted on the Program Website for more information regarding Location IDs.





Legal Land Description Information

- All licensed field or greenhouse Location IDs for Hemp Growers must have legal land description information provided within an application.
- This is a newer requirement for the Program, prompted by federal hemp rules.
- This information is usually detailed in a land title/deed. You may have to contact the land or property owner for this detailed information.
- This information is required as attachments within the Grower application.

Legal Land Description includes:

- 1) Township #**
- 2) Range #**
- 3) Section #**



Land Use Restrictions

- 1) Cannot grow, process, or store industrial hemp in any structure that is used for residential purposes.
- 2) Cannot grow, process, or store industrial hemp at any site that is located within 1,000 feet of a school, daycare, or similar public area frequented by children.
- 3) Cannot include any property within the original application or Site Modification Request that is not owned or completely controlled by the applicant or licensed grower.



Land Use Restrictions (continued)

- 4) Cannot plant or grow any cannabis that is not industrial hemp.
- 5) Cannot plant or grow industrial hemp on any site not listed within the application or approved Site Modification request.



Land Use Restrictions for Licensees (continued)


NOTE: This rule is often overlooked by hemp growers, read carefully

6) Plant industrial hemp in an outdoor growing location of less than one-quarter (0.25) acre **AND** 1,000 plants unless prior approval is received in writing from the Department. Industrial Hemp shall be physically segregated from other crops unless prior approval is obtained in writing from the Department.



Field Plot Signage: REQUIRED!!!

- The Department has provided Field Plot Signage templates posted on the “License Holders – Forms & Deadlines” webpage.
- Available in fillable PDF in two sizes:
 - 8.5” x 11”
 - 11” x 17”
- Signage needed for each licensed Field Location ID, especially once you plant!



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**Arkansas
Hemp Program**

License Holder Name:
CALEB ALLEN

License Number:
05_H000

Location ID:
FIELD #1

Arkansas Department of Agriculture
agriculture.arkansas.gov | (501) 225-1598

EXAMPLE





Program Fees



- Licensees will be issued the following Program Invoices via e-mail for the 2022 Season:

1. Licensing Invoice
2. Site Modification Invoice
3. Sampling Invoice

- All Program Invoices will be e-mailed to the e-mail address(es) on-file.
- All invoices are due by the due date listed on the invoice, usually within 30-days.
- A detailed fee schedule can be found in Section 14: Fees and Services of the Program Rules.
- **All Program Invoices MUST be paid via post-mail to the Department, with invoice accompanying payment.**

FEE DESCRIPTION	FEE AMOUNT	LICENSE TYPE	PROGRAM INVOICING TYPE
APPLICATION FEE	\$50.00	BOTH	N/A
LICENSE FEE	\$200.00	BOTH	LICENSING INVOICE
SITE MODIFICATION FEE	\$200.00	BOTH	SITE MODIFICATION INVOICE
APPLIED ACREAGE FEE	\$50.00 - \$1,000.00	GROWER LICENSE ONLY	LICENSING INVOICE <u>OR</u> SITE MODIFICATION INVOICE
APPLIED GREENHOUSE FEE	\$100.00 / EACH	GROWER LICENSE ONLY	LICENSING INVOICE <u>OR</u> SITE MODIFICATION INVOICE
GPS VERIFICATION FEE (EACH STORAGE LOCATION ID)	\$100.00 / EACH	BOTH	LICENSING INVOICE <u>OR</u> SITE MODIFICATION INVOICE
APPLIED PROCESSOR/HANDLER (PRODUCER) FEE	\$500.00 - \$1,500.00	PROCESSOR/HANDLER LICENSE ONLY	LICENSING INVOICE <u>OR</u> SITE MODIFICATION INVOICE
HARVEST/COMPLIANCE SAMPLING FEE	\$100.00 / EACH	GROWER LICENSE ONLY	HARVEST/COMPLIANCE SAMPLING INVOICE



Program Fees - Continued

Make sure to budget your operations accordingly, taking the Program Fees into consideration!

- **Failure** to pay a Program Invoice by the due date indicated on the Invoice may result in the Department referring the matter to a debt collection agency
- **Grower applicants/licensees need to take into consideration:** (1) how many different hemp varieties they will be planting for the season and (2) how many different Location IDs (Indoor/Outdoor growing sites) hemp will be grown at. These two factors are extremely important during Harvest time when each compliance sample (“lot”) collected by the Department is \$100.
- Payments MUST be post-mailed to the Department WITH the Program Invoice accompanying payment. **Always include paperwork when mailing payment to the Department.**



Site Modification Requests

- Any new locations or sites where you wish to grow, process, handle, or store hemp after your application is approved will require a Site Modification Request Form.
- There is a \$200 Site Modification Fee that will be invoiced to you **once the Site Modification Request is approved by the Department.**
- Keep other Program Fees in mind when requesting site or Location ID changes:
For example: If you request an extra Greenhouse Location ID, there will be the \$200 Site Modification Fee + the \$100 applied Greenhouse fee = \$300 total.
- Please allow up to three (3) weeks for the Department to process and approve your Site Modification Request.
- Once request is approved, you will be **e-mailed** a Program Invoice detailing your site changes.

Please try to take care of all site modifications in one request form so that you do not have to pay \$200 each time! This is also why it's important to have all your sites figured out within the original application!



Questions

- What is the minimum planting required at an outdoor growing site?
 - 100 plants
 - **1,000 plants AND 0.25 acre**
 - 10 acres
- Can 2 different applicants license the same field or greenhouse?
 - Yes or **No**
- Can a licensed grower plant hemp in their yard (adjacent to their house), within 500 feet of a school or next to a public park?
 - Yes or **No**



Sourcing Planting Materials



Picking A Hemp Variety

- Genetics are EXTREMELY important, especially with the USDA's "Negligent Violation" requirement.
- If crop tests above 1.0% Total THC three times within a 5-year period, results in license suspension, per federal hemp rules.
- **CAUTION:** Watch the ratio of THC:CBD on new varieties – if you are seeking 10% CBD, calculate where that THC would be if you reach that level of maturity. THC and CBD both increase as the plant matures in relatively the same ratio.



Summary of Varieties List

- The Summary of Varieties List can be found on the “License Holders – Forms & Deadlines” webpage
- Some varieties are designated as **Varieties of Concern** once the variety receives one (1) pre-harvest test result in AR above 0.300% THC.
- Growers are still permitted to plant Varieties of Concern without Department pre-approval. Exercise caution when growing a Variety of Concern by conducting independent third-party THC% lab testing to ensure THC levels do not surpass the acceptable hemp THC level.
- If a variety you are interested in growing is not listed on the Summary of Varieties List, you will have to request the variety using the ***New Variety Request Form***, located on the “License Holders” webpage



Sourcing Seeds

- **If you have not been issued a license with the Program, you CANNOT receive viable hemp seed for planting or transplants. Likewise, if you have been licensed, you cannot sell viable hemp seed to an unlicensed entity.**
- First, check to see if the variety has been approved for planting with the Program. This is done by referring to the Summary of Varieties List published on the Program's website, or by submitting a New Variety Request Form.
- Program staff will let you know if the variety you're requesting has already been approved for use with the Program.
- **Needed with each Seed/Propagule Request Form:**
 - **A Certificate of Analysis (COA) with a "TOTAL THC" of 0.3% or less for each requested variety.**
 - **Copy of the Arkansas Seed Dealer/Labeler License from the entity where seed is sourced from.**
- When buying planting materials, always ask for a Certificate of Analysis on the mature plant's floral material and check with your THC/CBD levels and ratios.
- **All seed companies must be licensed to have viable hemp seed in their possession and to deal seed into or out of Arkansas! Contact the Department Seed Section for more information.**



Sourcing Transplants/Clones/Seedlings

- If receiving “starts” or transplants/clones/seedlings from an out-of-state entity:
 - 1) Variety must already be approved for planting with the Program.
 - 2) Entity must be licensed to grow industrial hemp within their state.
 - 3) Entity must provide EITHER **a) Nursery License** OR **b) Phytosanitary Certificate** in order to bring rooted plants into Arkansas.
 - 4) Must have company transportation documentation such as a bill of lading.
- If sending “starts” or transplants/clones/seedlings to an out-of-state entity:
 - 1) Can only sell to licensed hemp growers within their state.
 - 2) Check with that state’s transfer requirements.
 - 3) Must obtain a Phytosanitary Certificate issued by the Department, **OR** obtain a Nurseryman’s license issued by the Department.
 - **NOTE:** A phytosanitary certificate is intended for occasional, rare transfers out of state. If you will be transferring rooted plants out of state regularly, the Nurseryman’s License is recommended.
 - 4) Must have company transportation documentation such as a bill of lading.



Sourcing Transplants/Clones/Seedlings

- A phytosanitary certificate or Nursery License is NOT required for transplants being transported WITHIN Arkansas.
- When in doubt, submit your question to industrialhemp@agriculture.arkansas.gov



General Planting Material Sourcing Information

- **ALL high CBD strains of hemp will exceed 0.3% THC if allowed to fully mature—they must be harvested early to remain legal.**
- When buying planting materials, always demand a Certificate of Analysis (COA) on the parent plant floral material and check your THC/CBD levels and ratios.
- ***It is nearly impossible to get 10% CBD content without going over the legal limit of THC!***



General Planting Material Sourcing Information



Saved seed from the year before is VERY unstable and may have elevated THC levels come harvest time.



Questions

- Can a license holder purchase or plant any variety/strain of cannabis seeds they choose?
 - Yes or **No**
- What form must be completed to request permission to bring a hemp variety into Arkansas?
 - Site modification request form
 - **New Variety Request Form**
 - Hemp Material Transfer Request Form





PLANT INDUSTRIES
DIVISION

Reporting Requirements *for Hemp License Holders*



2022 Arkansas Hemp Program

Reporting Requirements

- Be aware of due dates!!
- All Reporting **MUST** be electronically submitted via e-mail to industrialhemp@agriculture.arkansas.gov.
- **Do NOT** submit paper copies of reports via post-mail.
- The Department does NOT recommend that any reporting be completed by another party on your behalf.



Hemp Program Website: “License Holders – Forms & Deadlines”

All Program Requests and Report forms are located on this webpage!

<https://www.agriculture.arkansas.gov/plant-industries/feed-and-fertilizer-section/hemp-home/license-holders-forms-deadlines/>

The screenshot displays the website's navigation menu on the left and the main content area on the right. The navigation menu includes 'Quality Control and Compliance (Feed, Fertilizer, Hemp, Seed)', 'Hemp Home', 'License Holders – Forms & Deadlines', and 'Forms & Deadlines'. The main content area shows the breadcrumb trail 'Agriculture / Plant Industries / Quality Control and Compliance (Feed, Fertilizer, Hemp, Seed) / Hemp Home / License Holders – Forms & Deadlines'. The title 'License Holders – Forms & Deadlines' is underlined. Below it, the section 'HEMP PROGRAM FORMS' is highlighted with a red oval. This section lists several forms: '2022 Quality Control and Compliance Required Confidential Information Form', '2022 Destruction Request Form', '2022 Grower Application', '2022 Field Planting Report Form', '2022 Greenhouse Planting Report Form', '2022 Harvest Request Form', '2022 New Variety Request Form', '2022 Site Modification Request Form', and '2022 Processor-Handler Application'. Below the forms list are three colored boxes: a blue box for '2022 Sampling, Testing, Remediation & Disposal Guidelines', a green box for 'Summary of Varieties List', and a yellow box for 'Hemp Field Plot Signage: Size 1' and 'Hemp Field Plot Signage: Size 2'.

Quality Control and Compliance (Feed, Fertilizer, Hemp, Seed)

- Hemp Home
- License Holders – Forms & Deadlines

Agriculture / Plant Industries / Quality Control and Compliance (Feed, Fertilizer, Hemp, Seed) / Hemp Home / License Holders – Forms & Deadlines

License Holders – Forms & Deadlines

HEMP PROGRAM FORMS

- 2022 Quality Control and Compliance Required Confidential Information Form
- 2022 Destruction Request Form
- 2022 Grower Application
- 2022 Field Planting Report Form
- 2022 Greenhouse Planting Report Form
- 2022 Harvest Request Form
- 2022 New Variety Request Form
- 2022 Site Modification Request Form
- 2022 Processor-Handler Application

2022 Sampling, Testing, Remediation & Disposal Guidelines

Summary of Varieties List

Hemp Field Plot Signage: Size 1
Hemp Field Plot Signage: Size 2



2022 Paperwork Timeline Chart

AR HEMP PROGRAM – 2022 PAPERWORK TIMELINE		
PROGRAM FORM NAME	LICENSE TYPE (GROWER OR PROCESSOR/HANDLER)	FORM DUE DATE
Site Modification Request Form	BOTH LICENSES	File at any time; at least 30-days before implementing site changes
New Variety Request Form	GROWER LICENSE ONLY	File at any time; at least three (3) weeks before receiving seed or seedlings
Field Planting Report Form	GROWER LICENSE ONLY	Within 15-days of Planting a Lot at a Field Location ID; if no planting will occur for the season, "NO PLANTING" Field Planting Report due by July 31 st
Indoor/Greenhouse Planting Report Form	GROWER LICENSE ONLY	Within 15-days of planting within an empty greenhouse or indoor structure, then quarterly throughout the calendar year: MAR 31, JUN 30, SEPT 30, DEC 31
Harvest Request Form	GROWER LICENSE ONLY	15-days prior to harvesting any lot
Destruction Request Form	BOTH LICENSES	15-days prior to destroying any cannabis material
Grower Production Report (End-of-Year Report)	GROWER LICENSE ONLY	By December 1 st , annually
Processor/Handler Production Report (End-of-Year Report)	PROCESSOR/HANDLER LICENSE ONLY	By December 1 st , annually



Planting Reports:

Due to industrialhemp@agriculture.arkansas.gov
whether you plant or do not plant

- There are **two** types of planting reports in the Hemp Program:
 - **Greenhouse/Indoor Planting Report Form**, due within 15-days of planting within an empty greenhouse structure, then due quarterly throughout year.
 - **Field Planting Report**, due within **15-days of each outdoor planting**.
 - ***“NO PLANTING” Field Planting Reports*** are due by July 31, *annually*
- Planting reports are located on the Program website under the “*License Holders – Forms & Deadlines*” webpage.

These two planting reports have different requirements and have changed from the 2021 season! Read instructions very carefully!





MANDATORY for 2022: **The Farm Service Agency (FSA) & Crop Acreage Reports**



- All hemp plantings **MUST** be reported to the USDA Farm Service Agency (FSA) using their Crop Acreage Report form, known as the **FSA-578 FORM**.
- You **MUST** report both your intended and certified crop acreages to your local county FSA office.
 - To find your local county FSA office: [CLICK HERE](#)
 - For crop acreage reporting information:
 - [CROP ACREAGE REPORTING INFOGRAPHIC](#)
 - [CROP ACREAGE REPORT INFORMATION](#)
- New farmers will want to visit or call their local county FSA office to register a new account with their office. Bring hemp license certificate information from the Department, as well as SSN# or Tax ID# information.
- *July 15th is the major USDA-FSA deadline for most crops, but acreage reporting deadlines vary by county and by crop.*



**MANDATORY for 2022:
The Farm Service Agency (FSA) &
Crop Acreage Reports**



You MUST submit the FSA-578 Form to your local county FSA office every time you plant a new lot at a licensed location, within 10-days of each planting.

A “lot” is a grouping of hemp, containing the same variety throughout, in a contiguous area in a field, greenhouse, or grow location.

 **PLEASE, PLEASE make sure you list out every planted lot on the FSA-578 Form, INCLUDING THE FULL VARIETY NAME. If you do not list out every lot, including the variety’s full name, THERE WILL BE ISSUES COME HARVEST TIME.**

 **The Arkansas Hemp Program will NOT be able to sample or test any hemp lots come harvest time if a location has not been assigned an FSA lot number.**



MANDATORY for 2022: The Farm Service Agency (FSA) & Crop Acreage Reports



AR Hemp Grower Licensees must first visit their local county FSA office to report crop acreages for each planted hemp lot BEFORE submitting either one of the AR Hemp Program's Planting Report Forms (Field Planting Report Form OR Greenhouse/Indoor Planting Report Form).

Within 15-days of each new lot planting, an AR Hemp Grower Licensee shall:

- **First:** Visit and report crop acreages for each hemp lot to their local county FSA office, using the FSA-578 Form. **List your hemp variety names on this form!**
- **Second:** Using information provided on the completed FSA-578 Form, an AR Hemp Grower Licensee provide FSA Lot Numbers to the AR Hemp Program on either the: 1) *Field Planting Report Form* or 2) *Greenhouse/Indoor Planting Report Form* **.
- **Third:** Submit either Planting Report Form, with FSA Lot Number Information provided, to the AR Hemp Program via e-mail.

****Note on Greenhouses:** *If you will only be using the licensed Greenhouse/Indoor Location ID for temporary purposes, such as for planting 'start' material like seedlings or transplants, the indoor planted lot does NOT need to be registered with the FSA. Whomever receives the lot and will be harvesting the lot MUST register the lot with FSA within 15-days of planting.*





MANDATORY for 2022: The Farm Service Agency (FSA) & Crop Acreage Reports



The AR Hemp Licensee must enter the “FSA Lot Number” on the appropriate Program Planting Report Form for each lot of hemp planted.

The “FSA Lot Number” is made up of three parts from the FSA-578 FORM:
(Farm Number) - (Tract Number) - (CLU/Field Number)

You will be unable to successfully submit an AR Hemp Program Planting Report Form without first registering lots with your local county FSA office.



**Please make sure you list-out your hemp varieties on the FSA-578 FORM!!
The definition of a hemp lot includes the specific hemp variety name, which
needs to be documented on the FSA-578 FORM.**





MANDATORY for 2022:
**The Farm Service Agency (FSA) &
Crop Acreage Reports**



Greenhouses Growers and FSA Lot Numbers:

If you plant a lot within a Greenhouse Location ID that WILL be harvested from that same Greenhouse Location ID, the lot MUST be registered with your local county FSA office and issued an FSA Lot Number.

If you will only be using a Greenhouse Location ID for temporary purposes such as to 'start' seedlings or transplants that will ultimately be planted at a different Location ID, the lot does NOT need to be registered with the FSA – whomever receives the lot and will be harvesting the lot MUST register the lot with the FSA within 15-days of planting.



MANDATORY for 2022: The Farm Service Agency (FSA) & Crop Acreage Reports



Note: The FSA is an agency part of the United States Department of Agriculture (USDA) and is NOT part of the Arkansas Department of Agriculture. Legally protected grower information cannot be transferred between the agencies. This USDA-FSA reporting requirement is separate from other reporting required by the Arkansas Department of Agriculture's Hemp Program.

Questions about AR Hemp Program Planting Reports & FSA Lot Numbers??



industrialhemp@agriculture.arkansas.gov



Field Planting Report

- Field Planting Reports are due to industrialhemp@agriculture.arkansas.gov within 15-days of each outdoor planting of a lot.
 - **Note:** Moving transplants from a Greenhouse Location ID into a Field Location ID is considered a planting and must be documented by a Field Planting Report.
 - **Note 2:** Within 15-days of each planting, Growers should first contact their local county FSA office to report hemp crop acreages to the USDA for each lot planted.
- On the Field Planting Report, you must report each planted 'lot' separately on its own row. **Completely spell-out the hemp variety name, located on the seed label or the variety name provided by the source company. Do NOT shorthand or nickname a variety on the Field Planting Report form.**
- If you will **NOT** be planting at a licensed Field Location ID for the season, you still owe the Program paperwork! **"NO PLANTING" Field Planting Reports are due by July 31st, annually.**
- **Location ID names MUST match what was approved within your application or Site Modification!! Refer to Page 2+ of your license certificate.**



Greenhouse/Indoor Planting Reports

- Greenhouse/Indoor Planting Reports are due within 15 days of your **first** planting in an empty greenhouse or structure. After the “First Planting” report, your next Greenhouse/Indoor Planting Report will be due BY the quarterly due date.
 - **Note: If you will be harvesting lots from a Greenhouse, each lot MUST be registered with your local county FSA office within 15-days of each planting.**
 - **Note: If you will only be using the greenhouse for temporary ‘starts’ purposes, and not harvesting lots from the greenhouse, the lots do NOT need to be registered with the FSA until the lot is planted at it’s final Location ID where the lot will be harvested.**
- Greenhouse/Indoor Planting Reports are due **quarterly for ALL licensed Greenhouse Location IDs by the last day of each quarter:**
Q1: March 31st, Q2: June 30th, Q3: September 30th, and Q4: December 31st for EACH greenhouse associated with your license.
- **Location ID names MUST match what was approved within your application or Site Modification!! Refer to Page 2+ of your License Certificate.**



Greenhouse/Indoor Planting Reports

- Greenhouse/Indoor Planting Reports document:
 - 1) New Plantings for the Quarter in question 4.
 - 2) Transfers to or from the Greenhouse for the Quarter in question 5.
 - 3) Current Inventory of Plants for the Quarter in question 6.
 - For every quarterly report, list-out ALL Greenhouse Location IDs in questions 4, 5, and 6.

EXAMPLE: Q1 Greenhouse/Indoor Planting Report

- Documents new plantings in Greenhouse from January 1 – March 31 in question 4.
- Documents transfers to or from Greenhouse from January 1 – March 31 in question 5.
- Documents current inventory & quantity of plants on-site from January 1 – March 31 in question 6.
- **Due by March 31st, annually.**



Harvest Request Form

- Harvest Request Forms are due **15 days prior** to your intended harvest date.
- **You are NOT permitted to harvest any industrial hemp until compliance samples have been taken by the Department.**
- Grower must completely harvest the requested plot within 15-days, beginning the day after the Department inspects and collects compliance samples.
- Multiple harvest lots more than 15-days apart? = Multiple Harvest Request Forms
- Harvested hemp lots must remain separated and may NOT be mixed or co-mingled, **transported beyond the processor or outside Arkansas**, nor transferred or sold until the material has been released by the Department as a result of a compliant laboratory test result. (Most materials are stored on-site until test results are obtained, which is why a registered Storage Location ID is required for all Growers.)
- Remember all compliance samples pulled (whether pre- or post-harvest) are \$100/each! Keep this in mind when planning out your lots!
- Refer to Program Rules Section 10, as well as the Program's *2022 Sampling, Testing, Remediation & Disposal Guidelines*, posted on the "License Holders" webpage



Destruction Request Forms

- Destruction Request Forms are due **15 days prior** to your intended destruction date.
- You are **NOT** permitted to destroy any industrial hemp material until approval in-writing is received from the Department.
 - The Department must first review your Destruction Request Form prior to destroying any hemp material.
 - After review, the Department will decide whether a Department representative and/or law enforcement witness will be present to witness the destruction taking place.
 - If you receive approval in-writing to implement your proposed destruction, **you MUST provide the Department with photographic proof of the destruction taking place. This request form is required for failed plantings/failed emergence, research only plots, noncompliant hemp materials, rogued male plants, and/or any hemp materials that will not be marketed.**
- Multiple Destruction lots more than 15-days apart? = Multiple Destruction Request Forms
- The Department and/or Law Enforcement may be present at the time of destruction.
- Refer to Program Rules Section 10, as well as the Program's 2022 Sampling, Testing, Remediation & Disposal Guidelines for approved disposal methods



Harvest/Destruction Requests

- If you request to Harvest a lot and the Department has pulled pre-harvest samples, do NOT delay your harvest waiting for the Department's test results. You MUST completely harvest the lot within 15-days *AFTER* the Department collects compliance samples.
- Likewise, if you request to Destroy a lot and the Department has given you the approval in-writing to implement your destruction, do NOT delay your destruction beyond the date indicated on the form.
- **If you request to Harvest or Destroy, you should be ready to either Harvest or Destroy! Don't submit the request if you're not ready!**



Sampling, Testing, Remediation & Disposal Guidelines Document

- **Make sure you read the Program's 2022 Sampling, Testing, Remediation & Disposal Guidelines document posted on the Program's "License Holders" webpage**
- **NEW** Pay close attention to the "remediation" methods for noncompliant crops. *The Department will not post-harvest resample/retest noncompliant lot that are not properly remediated.*
- This information is incredibly important when it comes to the Department's sampling procedures, harvest time processes, acceptable THC amounts, approved destruction methods, proper remediation methods, and much more.
- The Department will be able to tell if a licensee has not read this Program document come Harvest season, so read it now!



Production Report Form

(End-of-Year Report)

- At the end of the season, licensed Growers who **planted hemp in Arkansas** are **required** to complete a Grower Production Report (end-of-year) Form.
 - **ALL** licensed Processor/Handlers are required to complete a Processor/Handler Production Report (end-of-year) Form.
 - **Keep good records and notes throughout the season.**
 - These records help develop better models for the industry.
 - The Arkansas Hemp Production Act requires you to retain ALL program records, **so keep copies of everything**, including all requests and reports you submit to the Department.
 - Program statistics are calculated from these reports, and the statistics are shared with State and Federal Lawmakers, state agencies, other Hemp Growers, other State Hemp Programs, and the general public.
- *Submission of a Production Report is extremely important for an accurate collection of growing season data! Do your part and help this new industry!***



Questions

- When is the Field Planting Report Form due to the Department?
 - A month after planting
 - Quarterly
 - 15 days before planting
 - **Within 15 days following each planting, after first reporting lots with the FSA**
- True or False: The Greenhouse/Indoor Planting Report is due within 15 days of the first planting **AND** Quarterly throughout the year.
 - **True** or False
- You have two registered Field Location IDs, but you will NOT be planting at either one of them this season. Do you owe a Field Planting Report to the Department?
 - **Yes, “NO Planting” Field Planting Reports are due by July 30th**
 - ~~No, since I won’t be planting, I don’t owe any paperwork~~



Questions

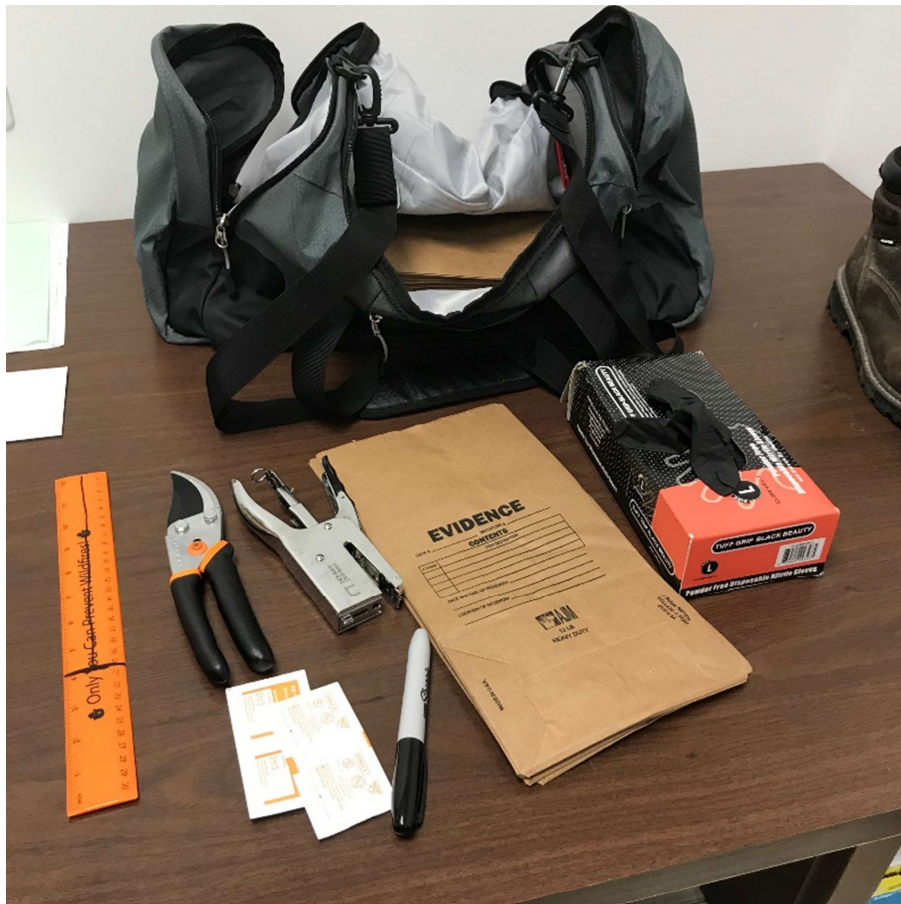
- When is the Harvest Request Form due?
 - A month after harvest
 - **At least 15 days prior to expected harvest date**
 - Within 15 days following planting
- Are Arkansas hemp growers required to submit hemp crop acreage information to their local county Farm Service Agency (FSA) office?
 - **Yes** or No
- Will the Arkansas Hemp Program sample and test a hemp lot that is NOT assigned an FSA lot number?
 - Yes or **No**



Sampling & THC Testing of Hemp



PLANT INDUSTRIES
DIVISION



2022 Arkansas Hemp Program

Sampling & THC Testing of Hemp

- 100% of plots intended for harvest are inspected and sampled prior to harvest by the Department.
- The Department conducts compliance sampling and testing by location **AND** variety grown. **Remember: \$100/each pre- or post-harvest sample.**
- The Department recommends regularly conducting cannabinoid (THC%) testing with licensed third-party laboratories to monitor THC levels up until harvest.
- **Federal law requires all delta-9-THC concentrations be measured using post-decarboxylation (result is commonly referred to as Total THC).**
- THC Compliance Test results will be reported within 30 days of sample receipt to the licensee **via E-MAIL.**
- **You MUST read the 2022 Sampling, Testing, Remediation, & Disposal Guidelines Document!**
- The Department is currently the only entity able to conduct the official regulatory THC compliance sampling & testing for hemp in Arkansas.



Sampling & THC Testing of Hemp

- The licensed Grower (or knowledgeable help/staff) must be present for the Department's harvest sample collection inspection.
- Inspector shall be given full access to all growing, storage, and handling locations (will also be inspecting unplanted locations).
- Compliance samples will be taken from each lot for harvest (contiguous planting of the same variety/strain at a Location ID)
- Harvest must be completed within 15-days, beginning the day after the Department collects compliance samples.



Sampling & THC Testing of Hemp

- 0.3% THC is the legal limit set by federal and state law.
- Per USDA's requirements, all Certificates of Analysis (COAs) from the Department Plant Industries Chemistry Lab will contain a Measurement of Uncertainty (MOU) value. This value is calculated using the chemistry lab's hemp THC data from previous seasons.
- This MOU value accounts for any potential variances in THC% lab results.
- The Department's Laboratory Services Division participates in a national hemp regulatory proficiency testing program sponsored by the University of Kentucky to further ensure the accuracy and reliability of THC% results.



Sampling & THC Testing of Hemp: What To Do When Given a Certain THC% Result

- Refer to the Program's 2022 Sampling, Testing, Remediation, & Disposal Guidelines Document for ALL information surrounding what to do in the event of receiving a specific THC% test result.
- Pre-harvest results from lots testing at or above 1.0% are required to be mandatorily destroyed for Program compliance with no chance of a remediated post-harvest resample/retest. This is also considered a negligent violation under USDA hemp rules.
- If you must destroy a noncompliant lot from noncompliant pre- or post-harvest test results, **you must submit a Destruction Request Form.**
- If you wish to request a remediated Post-Harvest resample/retest from noncompliant pre-harvest test results, **you must submit a Harvest Request Form.**



Sampling & THC Testing of Hemp

New for 2022:

Department may collect more representative sample clippings at the time of harvest/sample collection, dependent on lot size (acres or square feet)



Sampling & THC Testing of Hemp



Again, refer to the Program's [2022 Sampling, Testing, Remediation, & Disposal Guidelines Document!!](#)



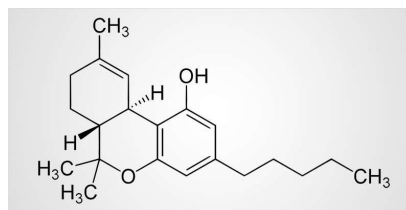
This document will answer many, if not ALL, of your harvest, destruction, sampling, remediation and/or testing questions!

Posted on the Program's "License Holders – Forms & Deadlines" webpage



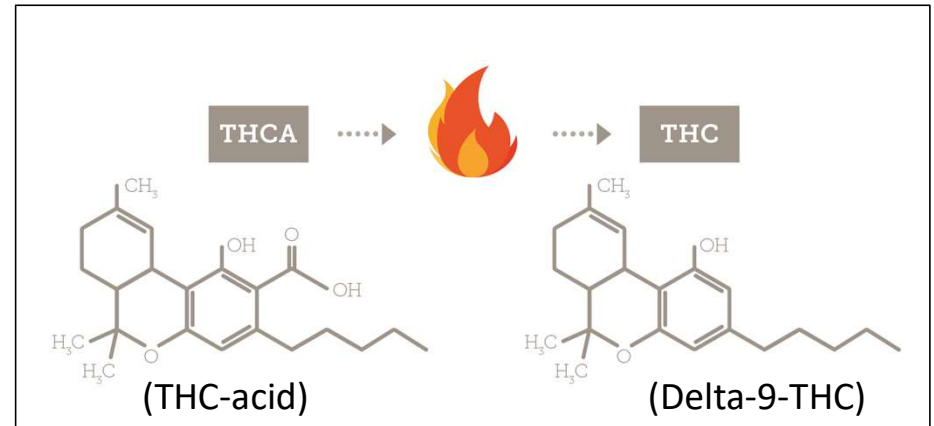
Understanding THC Analysis & Lab Results

- Cannabis plants only produce *delta-9-THCa* (tetrahydrocannabinolic acid).
- *Delta-9-THCa* converts to *delta-9-THC*, the Sch. 1 psychoactive intoxicant component of cannabis, through a process called decarboxylation.
- Decarboxylation will happen naturally over time when exposed to air OR immediately in high heat conditions (if heated or ignited).
- This 'decarboxylated' result is referred to as Total THC.
- All lab results revolving Arkansas's Hemp Program should contain TOTAL THC values.
- All states approved under the USDA must analyze for Total THC content.



Understanding THC Analysis & Lab Results

- Measurement of THC concentrations can be conducted with many different laboratory method analyses.
- The combined, or decarboxylated THC, is often referred to as Total THC.
- Federal law requires testing for Total THC.
- This has been the method used by the Department since the first year of the research program in 2019.



Understanding THC Analysis & Lab Results

- If an analysis gives only THC or delta-9-THC, that would be the Total THC
- If an analysis gives THCa and delta-9-THC, it must be combined mathematically:

$$\text{THC} + (\text{THCa} \times 0.877) = \text{Total THC}$$

NOTE: The equation and value above are not arbitrary. The 0.877 conversion factor is based on the molecular weight conversion of THCa to THC via decarboxylation.



Total THC vs. Delta-9-THC

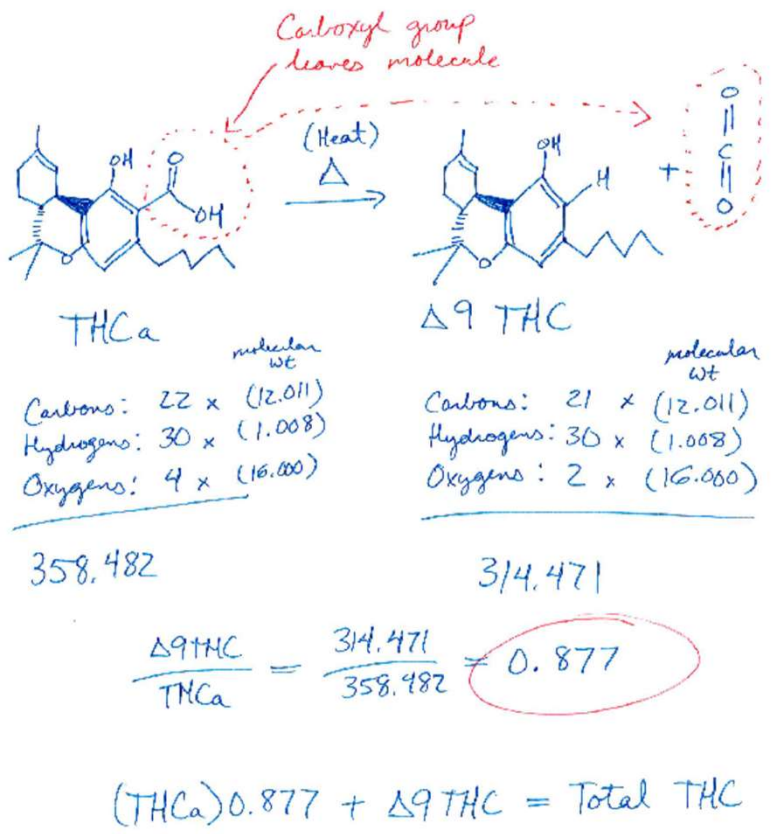
THC Analysis and Compliance

- THC Analysis: Delta-9 THC measured after decarboxylation gives accurate measurement of intoxication potential.
- Pre-decarboxylation THC = 0.28%, Post-decarboxylation THC = 22.27% (after heating or igniting).

CANNABINOID PROFILE		
CANNABINOID	%(w/w)	mg/g
THC	0.28%	2.8
THC-A	25.07%	250.7
CBD	0.00%	0.0
CBD-A	0.92%	9.2
CBN	0.00%	0.0
CBG	0.09%	0.9
TOTAL CANNABINOIDS	26.36%	263.6

Actual lab test of flower material courtesy of CDA.

THC-A converts to THC at a rate of 87.7% resulting in a change in molecular weight.



Why combining THC-A content matters: 22.27% Total THC!

Per the USDA's Interim Final Rule, all states will be testing for Total THC Compliance



Questions

- Is the Arkansas hemp program a “delta-9 Only” or “Total THC” state?
 - Delta-9-THC Only
 - **Total (decarboxylated) THC**
- How will I receive my compliance lab report from the Department to let me know if I can market/sell my harvested crop to a licensed hemp Grower or Processor?
 - Via mail
 - **Via e-mail**
 - Via fax



Restrictions on Sale or Transfer

Transfer Requirements

- These requirements were designed to keep you legal.
- Failure to comply with the *Transfer Requirements* may result in expulsion or other disciplinary measures.
- Program Hemp Staff are available to help answer your questions.

industrialhemp@agriculture.arkansas.gov



Restrictions on Sale or Transfer

- The growth, storage, handling, processing, and marketing of hemp is administered by the Arkansas Department of Agriculture as authorized by the Arkansas Hemp Production Act (A.C.A. § 2-15-501 *et seq.*) and the Agricultural Improvement Act of 2018 (2018 Farm Bill).
- The restrictions on the manufacture, sale, and transfer of hemp materials in Arkansas is in Section 12 of the Department's Hemp Program Rules.

AR Hemp Program Rules & the Law: [CLICK HERE](#)

AR Hemp Program Restrictions on Sale or Transfer: [CLICK HERE](#)



Publicly Marketable Hemp Products

(can be sold to the general public)

The following hemp products are considered “**out-of-program materials**” and can be sold or transferred to the general public/non-license holders:

- **Fiber** – including the whole stalk, **stripped** of leaf and seed materials, and decorticated fiber (base and/or hurd)
- **Roots** – including dried and/or ground roots
- **Leaves or Floral Material** – in the form of cannabinoid extract and all products derived from extracts
- **Grain (Food Products)**– including crushed, ground, dehulled, seed cake/meal, roasted or toasted AND proven nonviable, and seed oil

Section 1(A)(33) & Section 12(C)

Publicly marketable hemp products are considered “**Out-Of-Program Materials**” because they can be sold to the general public and fall outside of the Department Hemp Program’s purview.



Non-Publicly Marketable Hemp Products (*Hemp License-Holders Only*)

At this time, state law and the Department's Hemp Program Rules indicate that industrial hemp material (viable seed, live plants, leaf and/or floral material) should only be in the possession of an industrial hemp license holder, licensed under a duly authorized hemp program, such as a state's department of agriculture or approved USDA hemp program.

It is against AR Hemp Program Rules and the Arkansas Hemp Production Act to sell, transfer, or market any raw hemp materials, otherwise known as “**in-program materials**,” to the general public.



Non-Publicly Marketable Hemp Materials (*Hemp License-Holders Only*)

The following industrial hemp materials are considered “in-program materials” and should only be in the possession of an industrial hemp program licensee in Arkansas:

- **Fiber**— in the form of whole stalks, including leaf and seed materials, and bales of stalks
- **Roots**— including raw roots
- **Leaves or Floral Material**— including fresh, unprocessed, dried, and/or ground biomass
- **Grain (food product)**— in the form of a raw, unprocessed seed
- **Seed (for replication)**— including whole seed, clean or uncleaned
- **Transplants**— including rooted plants, cuttings, seedlings, immature plants

Section 12(A), (B), & (H), & Section 17(A)(15)

These hemp materials are considered “**In-Program Materials**” because they are only permitted to be in the possession of an industrial hemp program licensee and are regulated by the Department Hemp Program.



Transfer Requirements for “In-Program Materials” – License Holders ONLY

- **You MUST verify Hemp Licenses.**
- Licensees MUST keep all required documents in possession of the transporter at all times during transfer or included within the shipping container.
- You may transfer to other Hemp Programs in other states, but the company **MUST** be licensed through their state’s Department of Agriculture or the USDA to grow or process hemp.
- Transfers into other state Hemp Programs are at your own risk. You must satisfy that state’s transfer requirements, as well as Arkansas’s transfer requirements.
- Transfer paperwork must document legal origin and destination, including street addresses, license numbers, type of material, amount of material, etc.



Transfer Requirements for “In-Program Materials” – License Holders ONLY

REQUIRED DOCUMENTS FOR TRANSFERS OR SALES OF HEMP MATERIAL:

- Licensee Transfer Documentation that details legal origin and destination of material. Also known as a bill of lading or transfer manifest document.
- Copies of **all** Hemp License Certificates and any other necessary license certificates, like Seed Dealer Licenses, Nurseryman’s Licenses, etc.
- Valid Lab Analysis Sheets or Certificates of Analysis with compliant THC-results relating to the material being sold or transferred.



Transfer Requirements for “Out-of-Program Materials” – Non-License Holders

- Eligible for transfer to anyone, no hemp license required
- License Holder’s responsibility to ensure compliance with other state and federal laws
- All products must meet regulations of other authorities (Food Safety, FDA, etc.)
- All floral extracts or their derivatives **MUST** be tested and ensured to be no more than 0.3% Total THC ***in final-product form***.
- All testing information must be kept on file for inspection by the Department when requested.



Bottom Line for the 2022 Hemp Season:

- 2021 was the final year of the AR Hemp Research Licensing Program, permitted under the federal 2014 Farm Bill.
- The Arkansas Hemp Program was approved by the USDA to operate under 2018 Farm Bill authority, effective as of January 1st, 2022
- The Department's Hemp Program Staff are here to assist you as much as they possibly can in navigating this new, confusing industry. Please feel free to reach out if you have any questions or concerns. We would rather you get the information directly from the Department as opposed to being misled by misinformation.



Questions

- Which of the following hemp-derived products shall not be sold to any person who does not hold a hemp license:
 - a) Whole hemp buds
 - b) Ground hemp floral material
 - c) Ground hemp leaf material
 - d) All of the above
- Does a licensee need an approved *Hemp Material Transfer Request Form* from the Department in order to transport, sale, accept or deliver hemp material?
 - a) Yes, an approved Transfer Request Form is needed every single time from the Department.
 - b) No, **but** Licensees must still abide by transportation record-keeping requirements, keeping all necessary documents in possession of the transporter at all times and retaining these documents for up to three years.





Arkansas Department of Agriculture

ATTN: Hemp Program

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